

REMARKS

Applicant acknowledges receipt of the Office Action dated August 5, 2008. Claims 66-67, 79-81 and 99-103 are pending. With the present Amendment and Response, Applicant cancels all pending claims and presents a Request for Continued Examination for consideration of new claims 104-124. Support for new claims 104-108 is found throughout the specification and as exemplified as Adjuvant 1 as set forth in [0142] of the published specification as well as Example 15 (e.g., paragraphs [0213]-[0215]).¹ Support for new claims 109-114 is found throughout the specification and as exemplified as Adjuvant 6 as set forth in [0142] of the published specification as well as Example 19 (e.g., paragraph [0219]). Support for new claims 115-124 is found throughout the specification and as exemplified as Adjuvant 6 as set forth in [0142] of the published specification as well as Examples 16 and 18 (e.g., paragraphs [0217]-[0221] and [0221]-[0222], respectively).²

No new matter is introduced. Reconsideration is earnestly solicited.

Rejection of Claims 66, 67, 79-81 and 99-103 under 35 U.S.C. §103(a) as being unpatentable over Azuma et al. in view of Wright and West

The Examiner has rejected claims 66, 67, 79-81 and 99-103 under 35 U.S.C. §103(a) as being unpatentable Azuma et al. in view of Wright and West. With the present amendment, each of the rejected claims is cancelled, without prejudice. That is, the claims are not cancelled for purposes of patentability but, instead, cancelled to pursue the new claims presented herein. Therefore, the rejection is obviated.

¹ Black spot is caused by *Diplocarpon rosae* as recited in new claim 106.

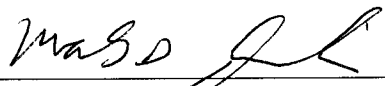
² Early blight is caused by *Erwinia amylovora* as recited in new claim 120.

CONCLUSION

Applicant believes the claims presented herein are in condition for allowance. Applicant does not believe an extension fee is due at this time, however, the Commissioner is hereby authorized to charge any fee deficiencies or credit any overpayment to Deposit Account No. 09-0528 (Attorney Docket No.: C241 1010.2).

Respectfully submitted,

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